

REMARKS/ARGUMENTS

Claims 1-3, 9, 10, 12-16, 18, and 20-32 are currently pending in the above-referenced application. Claims 1, 3, 9, 12, and 23 are amended herein. Claims 24-32 are newly presented. Entry and consideration of this paper is respectfully requested.

EXAMINER INTERVIEW

Applicant thanks the Examiner for the telephonic interview conducted March 12, 2008, and for her insight into interpretations of the prior art and the currently pending claims.

REJECTIONS UNDER 35 U.S.C. §103

Claims 1-3, 5, 7-16, 18, 22, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,463,345 to Peachey-Kountz et al. (“Peachy-Kountz”) in view of U.S. Patent No. 6,341,271 to Salvo et al. (“Salvo”) and Examiner’s Official Notice. The rejections are respectfully traversed as Peachy-Kountz and Salvo do not teach all elements of Applicant’s invention as claimed. However, in an effort to expedite allowance of the instant application, the pending claims have been amended to more clearly reinforce certain aspects of the claimed invention. More specifically, each of independent claims 1, 12, 23, and 26 incorporates language referring to placing inventory on reserve as an order is placed.

In rejecting the currently pending claims, the Examiner asserts that column 6, lines 29-40 of Peachy-Kountz discloses placing inventory on reserve. While it is conceded that the same term, “reserve”, is used in both the instant claims and in Peachy-Kountz, the definition of those terms is different. Peachy-Kountz discloses processing an order and, where the current inventory is insufficient to meet the order, examining the supply chain to identify when portions thereof could be used to fill the order, and reserving portions of the anticipated supply such that the order can be fulfilled.

Systems such as that disclosed in Peachy-Kountz are advantageous in scenarios where there is sufficient inventory/sufficiently low demand at the customer level such that the delayed order fulfillment that results therefrom will not adversely impact the customer. However, many industries cannot afford to have such delays. By way of example, without limitation, in the catering/food service industry, a customer may request that a number of bottles of a specific vintage of wine be available for a dinner party or other event. Given that

the industry is highly consumer-based, which in turn means that customer satisfaction plays a large part in referrals and repeat business, it is especially important for the caterers or restaurateurs to meet their consumer's expectations. As the attached Declaration of Garrison Reeves attests, there has been a long-felt need for a system that allows consumer-based businesses to improve customer satisfaction by providing accurate inventory availability information. The claimed invention improves customer satisfaction by providing real-timed inventory information to salespeople and other professionals, such that they can accurately advise customers as to whether or not they will be able to meet the exact demand. As the Declaration attests, implementations of the claimed invention have met with significant commercial success.

Still further, because of the ability to "reserve" invention during an order process, the salesperson can give the customer unprecedented assurance that the order will be fulfilled. The salesperson no longer has to contend with concerns about orders taken by others for the same inventory, because the inventory is reserved as the order is being placed. This has at least two advantages - first, the selling salesperson and his/her customer can be assured that the order will be fulfilled. Second, because the inventory changes are displayed in real-time, any other salespeople and their customers can be assured that they are viewing accurate, up-to-date information upon which decisions can be based. Peachy-Kountz does not teach or suggest marking inventory items as "reserved" as an order is placed, as used in the specification and as recited in the claims. It is further asserted that Salvo, either alone or in combination with Peachy-Kountz, does not remedy the deficiency. Thus, it is respectfully asserted that all elements of the claimed invention are not present in the prior art, and Applicant respectfully requests that the Examiner withdraw the rejection.

RESPONSE
Examiner: GORT, Elaine L.

Serial No. 09/769,294
Atty. Docket No.: 053881.010100

CONCLUSION

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, she is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment to Deposit Account No. **50-0653**. If an extension of time is required, this should be considered a petition therefor. If the fees associated with a Request for Continued Examination are filed herewith, this should be considered a petition therefor.

Respectfully submitted,

Date: May 8, 2008

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